

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FRANK A. SPENCER,

Plaintiff,

CASE NO. 1:11-CV-142

-vs-

Judge Timothy S. Black  
Magistrate Judge Stephanie K. Bowman

OHIO DEPT. OF REHABILITATION,  
ERNIE MOORE, Director, *et al.*,

Defendants.

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JUDGMENT IN A CIVIL CASE

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☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendations (Doc 33) of the United States Magistrate Judge is **ADOPTED in PART and DECLINED in PART**; the Plaintiff's Objections (Doc 34) are **OVERRULED**; the Defendant's Objections (Doc. 35) are **SUSTAINED**; Defendant's Motion for Summary Judgment (Doc. 27) is **GRANTED**; the Defendant's Motion to Strike (Doc. 41) is **DENIED**; and this case is **CLOSED** on the docket of this Court.

Date: September 24, 2012

**JOHN P. HEHMAN, CLERK**

By: s/ M. Rogers

Deputy Clerk